

# Notice of Allowability

Application No.

09/858,172

Examiner

Traci L. Smith

Applicant(s)

UTSUMI, YOSHIMASA

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on February 9, 2006.
2. ☒ The allowed claim(s) is/are 1-2,4-8,10-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Frommer on Tuesday, May 2, 2006.

The application has been amended as follows:

1. (Currently Amended) An information providing apparatus comprising:

first receiving means for receiving intellectual property rights information ~~about a right~~ held by a registered party and entered by said registered party, and charge processing information for ~~charge processing with regard~~ charging fees to said registered party;

storing means for storing the intellectual property rights information which is entered by said registered party and ~~which is received~~ by said first receiving means;

transmitting means for ~~readably~~ publicly transmitting to the general public readers the intellectual property rights information stored in said storing means with ~~regard to~~ about said intellectual property right held by said registered party;

second receiving means for receiving intellectual property right infringement-related information transmitted by a general public reader concerning

Art Unit: 3629

possible infringement on said intellectual property right held by said registered party;  
and

charge processing means for ~~effecting charge processing regarding charging~~  
fees to said registered party based on the charge processing information received by  
said first receiving means ~~with respect and entered by~~ to said registered party, said  
charge processing means charging a contingent fee to said registered party if said  
registered party gains benefit from said intellectual property right information held by  
said registered party through the use of said intellectual property right infringement-  
related information provided by said general public reader, said contingent fee being  
paid to said general public reader.

3. (Cancelled)

4. (Currently Amended) An information providing apparatus according to claim 1,  
wherein said charge processing means charges said registered party a registration fee  
when said registered party enters said intellectual property right information.

5. (Currently Amended) An information providing apparatus according to claim 1,  
wherein said charge processing means ~~is operable to cause charges~~ said registered  
party to pay a consideration fee, said consideration fee being paid to said general public  
reader for the transmitted intellectual property right infringement-related information  
provided by said general public reader.

6. (Currently Amended) A server apparatus comprising:

first receiving means for receiving intellectual property rights  
information about a right held by a registered party and entered by said registered party,

and charge processing information for ~~charge processing with regard~~ charging fees to said registered party;

storing means for storing the intellectual property rights information which is entered by said registered party and ~~which is received~~ by said first receiving means;

first transmitting means for ~~readably~~ publicly transmitting to the general public readers the intellectual property rights information stored in said storing means ~~with regard to~~ about said intellectual property right held by said registered party;

second receiving means for receiving intellectual property right infringement-related information transmitted by a general public reader concerning possible infringement on said intellectual property right held by said registered party; and

~~second transmitting means for notifying a charge processing organization to effect charge processing regarding said registered party~~

charge processing means for charging fees to said registered party based on the charge processing information received by said first receiving means and entered by said registered party, said charge processing means charging a contingent fee to said registered party if said registered party gains benefit from said intellectual property right information held by said registered party through the use of said intellectual property right infringement-related information provided by said general public reader, said contingent fee being paid to said general public reader.

10. (Currently Amended) A server apparatus according to claim 6, where ~~in second transmitting means notifies said charge processing organization~~ said charge processing means charges said registered party a registration fee when said registered party enters said intellectual property right information held by said registered party.

11. (Currently Amended) A server apparatus according to claim 6, wherein said ~~second transmitting means notifies said charge processing organization to perform charge processing to cause~~ charge processing means charges said registered party to pay a consideration fee, said consideration fee being paid to said general public reader for the ~~transmitted~~ intellectual property right infringement-related information provided by said general public reader.

12. (Currently Amended) An information processing method comprising

~~for allowing a registered party to register with a server~~ about an intellectual property right information held by said registered party in order to solicit intellectual property right infringement related information from general public readers reading about said intellectual property right held by said registered party, the method comprising

said registered party enters charge processing information for charging fees to said registered party;

transmitting ~~readably~~ publicly to the general public readers the intellectual property rights information about said registered held by said registered party;

storing means for storing the intellectual property rights information which is entered by said registered party and ~~which is received~~ by said first receiving means;

receiving intellectual property right infringement-related information transmitted by a general public reader concerning possible infringement on said registered intellectual property right information held by said registered party; and

~~notifying a charge processing for charging fees to organization to perform a charge processing to have a contingent fee paid by said registered party based on the charge processing information entered by said registered party~~ , said charge processing charges a contingent fee to said registered party if said registered party gains benefit from said intellectual property right information held by said registered party through the use of said intellectual property right infringement related information provided by said general public reader, said contingent fee being paid to said general public reader.

13. (New) An information processing method according to claim 12, wherein said charge processing charges said registered party a registration fee when said registered party registers said intellectual property right information.

14. (New) An information processing method according to claim 12, where in said charge processing charges said registered party a consideration fee, said consideration fee being paid to said general public reader for the intellectual property right infringement related information provided by said general public reader.

2. The following is an examiner's statement of reasons for allowance:

3. Claims 1, 6 and 12 teach an intellectual property right holder submitting information regarding the intellectual property they hold the right to and publishing the information via a website in which readers view the information. Readers submit information in which they believe identifies infringement of the submitted intellectual property right. If/when the registered party gains benefit form the reader submitted information that reader is then paid a contingent fee for that submitted infringement information.
4. Claims 5, 11 and 14 furthermore pay a reader a “consideration” fee for merely submitting information.
5. The remaining dependent claims 2,4, 7-8, 10 and 13 are considered allowable, as they are dependent and based off of an allowable independent claim.
6. The prior art does not teach or suggest three important limitations of the above noted claims. The prior art fails to teach 1) the intellectual property information being submitted by the party that holds the rights to the intellectual property. 2) Paying the reader a contingent fee for the infringement information submitted once the right holder party gains some type of benefit form the infringement information the reader submitted and 3) As well as paying a consideration fee to the reader for merely submitting information that they believe is related to the infringement of the intellectual property right.
7. **US Patent 6,658,401 Utsumi et al. Information Providing Apparatus, Server apparatus and Information processing method.** Utsumi discloses a method, system and apparatus for invalidating a patent. Information is submitted to a website by a

registered in which the public accesses and submits information to be used in invalidating a right.

8. However, Utsumi fails to disclose the registered party that submits the information being the person who holds the right. Utsumi conversely teaches the registered party as a user attempting to invalidate the right which is held by a separate entity/person/organization. Utsumi only pays fees once the right has been invalidated and does not disclose paying a fee for merely submission of information.

9. **Snitching for Dollars : The economics and Public Policy of Federal Civil Bounty Programs**, The University of Illinois Law review 1999; Marsha J. Ferziger, Daniel G. Currel, hereinafter referred to as Ferziger. Ferziger is a non-patent article taken from lexis.com in which the article discusses "bounty hunting" for individuals who have done insider trading and other financial transactions that are of interest to either the IRS or the SEC. Ferziger discloses paying private informants for information leading to the individuals involved with the financial transactions.

10. However, Ferziger fails to teach the information being sought as intellectual property infringement information as well as the right holder of the intellectual property submitting the information for publication themselves. Furthermore, Ferziger also fails to teach paying the private informant a consideration fee for any information that they may submit.

11. Furthermore, the combination of Utsumi and Ferziger references would not disclosed all the features disclosed in the independent claims.



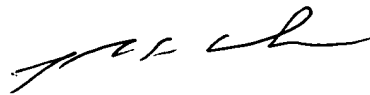
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS

  
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